T/SOR/22/7/14

THE POLITICAL OBJECTOR TO WAR

His Right to Exemption from Military Service

By DOUGLAS J. J. OWEN

Speaking in memory of Jaurès in 1916, M. Vandervelde quoted Nietzsche, "that great German who more than any one detested Prussian militarism": *"Those who fight against monsters ought to take care lest they become monsters themselves,"* and he added: "We fight against militarism and the spirit of conquest; take care lest we one day become the prisoners of militarism."

A young C.O. before the Manchester Tribunal also said: "You cannot stop cannibalism by eating cannibals."

SECOND IMPRESSION

Copies of this Pamphlet can be obtained from the Publisher, Douglas J. J. Owen, 6, Mount Street, Manchester.
~~2d. each, 100 for 14/6 post paid.~~

Also by same author from above address:
"Absolute Conscience."
"Conscription and the Conscience Clause."
1d. each (100 for 7/6 post paid)

THE POLITICAL OBJECTOR.

Conscience has been defined by Judge Burgis, Chairman of the North-Western Tribunal for Conscientious Objectors, as "that sense which tells a man what he ought to do in particular circumstances." Pacifists and opponents of conscription will not quarrel with this dictum. Especially as it throws light on the attitude of the political objector, that is, the man who states that he cannot conscientiously serve in this particular war; who feels in other words, that he ought to oppose war in this particular instance without committing himself to any general proposition that all war is wrong.

There are, it is true, other political objectors who do go so far as to declare against all war in all circumstances. They agree with the former type, however, in so much that they both base their objection on political grounds, rather than on strictly religious, moral or humanitarian considerations.

What the political objector stands for is that war is futile, this war in particular, or every war; that war is a criminal waste of life and public treasure; that it is contrary to public policy; that it is destructive of political liberties and political institutions; that it is waged in support of Imperialism, or Nazism, or Communism, as the case may be, and that he "has a sense that tells him he ought" to refrain from killing his fellows for these and kindred objects.

It will be seen that this position is quite distinct from that of those other conscientious objectors who refuse to accept military service because it is, in their conviction, against Christian precepts, or other religious principles, or because it is against ethical ideals and the dictates of humanity.

The question has been forced upon us, by the action of the Tribunals, as to whether a political objector can rightly claim that his convictions are conscientious, and whether he can properly claim the exemption from military service provided under the present Conscription Act.

Legally, it has been argued that the Act does recognise the position of such a political objector as we have described. The Act refers to those who object to being registered in the Military Service Register, that is, in this particular Register, as well as to those who object in general to military service, and to combatant duties.

Questions of conscience, however, will not be settled by legal points. It is before the Tribunals, and the Court-Martials, and in prison or concentration camp that conscience will assert its rights until the attempt to deny it or coerce it is abandoned.

By the end of 1940 there are likely to be 40,000 young men who will have registered as Conscientious Objectors, all of them facing the disfavour, the ridicule and abuse, the loss of employment and other penalties attached to the mere act of registration, before they appear in front of any Tribunal. The willingness to bear the odium which still attaches to men who oppose war is in every case *prima facie* evidence in favour of every applicant's claim, including that of the political objector.

This fact has so far been completely ignored by the Tribunals. Each applicant's claim is prejudged as if it were disproved, and the applicant has to establish his honesty against a barrage of questions designed to undermine his character for integrity and intelligence. This, of course, is in contrast to the much fairer procedure in the criminal courts, where, in the worst of crimes, the prisoner in the dock is presumed innocent until the charges against him are proved.

Under these conditions the political objector is at a special disadvantage. It seems probable that numbers of young men will be in prison by the end of the year because they have not been able to support their claims by evidence of membership of some religious body, or because they have not based their objection on some ethical or humanitarian formula.

The idea that only religiously minded people can have convictions so strong as to suffer for them is falsified by history, and no truly religious person would hold such an idea. Tribute cannot be withheld from the heretics of all ages, the scientists, the atheists, the unorthodox men and women who have, as much as the saints and mystics, suffered for freedom of thought and conscience. There have been many Saints amongst the Martyrs who will never be canonised by ecclesiastical authority.

It has been suggested that the Tribunals should be reconstituted so as to include at least one convinced pacifist on each Tribunal. It might be even fairer to include one avowedly non-religious, such as an agnostic or freethinker, though there might be difficulty in finding either pacifist or agnostic willing to support conscription so far as to sit on a Tribunal.

The comment of one member of a Tribunal deserves a welcome. Mr. Roberts, of the North Western, is reported as saying: "We are here to protect the right of people even to think wrongly." If Tribunals acted on this principle the political objector would receive fairer consideration.

There is another inconsistency in the examination of young men by the Tribunals. If the applicant is a religious objector, Christadelphian, Plymouth Brother, or Quaker, he is usually plied with political posers of a highly debatable and controversial character. He is expected to dispose of the Polish question, the Finnish question and the Chinese question in three sentences, only to be interrupted if he makes the attempt. The inability or unpreparedness of religious objectors to rebut specious political arguments brings abuse upon them, and in most cases adverse verdicts.

On the other hand, when a political student brings forward a reasoned, consistent plan for the solving of Europe's troubles without war, as several have done, he is rejected because he has not chosen to sail under religious colours. One such, an English art student at the Sorbonne, Paris, presented a most convincing case against war as a political instrument. Despite his manifest sincerity, it was insinuated he had cowardly motives and his claim was rejected apparently because he did not use those Biblical and religious texts which are denounced by the same Tribunal when others use them.

Both political and religious objectors are made to stand in a false light, because they are made to say that they will not fight on behalf of victims of aggression, and are therefore accused of doing nothing to help the afflicted. The Manchester Tribunal has asked many applicants if they do not feel urged by their conscience to go to the aid of the Finns, as well as the Poles and the Czechs. The Tribunal forgets that our Government itself has refrained from going to war for Finland, and is officially on terms of peace if not friendship with Russia. Great Britain, in fact, is a neutral in the Russo-Finnish war, as so many other countries are remaining neutral in the war against Germany.

It is unfair to press young men to go to the aid of Finland, when the Foreign Enlistment Act of 1870 would make it an offence for them to volunteer to fight against a country with whom we are not at war. The new Order in Council only removes this ban for those over 27 years of age.

The position of the neutrals sheds light on the position of all conscientious objectors. It is not to be thought that democratic and highly civilised nations like the Scandinavians, the Netherlands, and the Americans are less opposed to tyranny and oppression than are the French and English. Self-interest as well as idealism would have brought, not only these countries, but all the Balkan States as well into the war on the Allied side, if joining in war were considered by them the wise and just course to take.

In spite of the oratory of a Churchill the neutrals remain neutral, and most of them are urging a cessation of hostilities, apparently realising that this is the best way of helping the oppressed nations and the most likely way to secure justice for them.

Why should conscientious objectors be considered lacking in sympathy for the oppressed because they, like the neutral countries, consider war is not the right way to help them? Many take this stand against war from Christian motives, others from political grounds. The latter have a case that deserves equal consideration, a case that can be held conscientiously and from conviction.

As already indicated, the Government are likely to be faced with the grievous problem of the persecution of conscience long before the year's end. This will be due to the failure or the unwillingness of Tribunals to understand the position of the absolutist and of the political objector. The absolutist's position has been dealt with in a previous pamphlet: "Absolute Conscience," by the present writer. It is equally necessary that an attempt should be made to recognise the right of the non-religious objector, hence this pamphlet.

All members and leaders of religious organisations should recognise clearly that the claims of conscience are not confined within sectarian barriers. Freedom to worship stands or falls with freedom not to worship, and if the Churches do not now maintain the right of a man to be conscientious in his political objection to war they will soon find that the right to have a religious objection will be likewise denied.

It is part of the tragedy of Europe that the Churches of Germany stood aloof, or even acquiesced whilst Social Democracy was destroyed by the Nazi party. They could not mix with politics! But their own time came, and the political forces which might have defended religious freedom were not then free to help the Churches.

There are two general principles underlying the whole controversy of conscription and conscience.

The first is that Conscience ought not to be penalised in any way, nor any attempt be made to coerce it into compliance with what it declares to be wrong. This is an important principle, on religious and ethical grounds. and also on grounds of high public policy.

The general rule being that it is better to let people be directed by their conscience, rather than make them dishonest, craven, and subservient by Act of Parliament.

Admitting that conscience often is misguided, misinformed, and that it sometimes leads to strange courses; admitting that it may even be "perverted," and "despicable," to quote some of the epithets used to conscientious objectors by Tribunals, it still remains a well-established rule of public policy based on the experience of centuries, that it is better to leave conscience alone to effect its own self-education, rather than take the worse risk of suppression and censorship.

The reason for this is that the attempt to educate and mould defective consciences by compulsion and punishment is bound to have the consequence of hurting and stifling the good conscience.

There is always the risk that when authority tries by force to educate conscience, that is just the time that authority most often needs to be educated itself. The members of a Tribunal; the terms and principles of the Act they are administering; the Parliament which passed the Act, may all be as imperfect as the consciences of the young political objector who is being tested by them. It is not the conscientiousness of a Tribunal or Parliament that is in question but their state of enlightenment. This has to be written, not in a spirit of opposition to authority, or in a spirit of tit for tat or to score debating points. The matter is more serious than that. It is a question as to how light may be brought to struggling consciences, and no human authority is good enough or sufficiently enlightened to educate the consciences of others, by the mere imposition of its authority.

Much less can authority hope to correct bad consciences by punishment, by threats on the one hand, or cajolements and the offer of concessions and conditions and partial exemptions on the other.

The state of human society is not so sweet that it does not require any further improvement. In our national and international relationships and policies in particular we have no room for complacency. We are dying almost literally as a generation, for want of new thoughts, new ideas, new ideals and ways of achieving them. Here is the fatal peril of stifling new thought in the shape of conscience.

It may well be that in the ideas and convictions actuating the conscientious objector, especially the political objector, there may be the one hope for the future of civilised mankind, which if stamped out may spell a return of something like the Dark Ages upon European life. We cannot afford as a matter of public policy, apart from deeper moral and spiritual issues, to be anything else than considerate to sincerely held convictions of whatever kind.

The second principle underlying the problem of the Tribunals has been well expressed by Judge Burgis in his insistence that conscience must be examined from time to time in the light of changing circumstances. Some young men, not a large number, have won the commendation of Tribunals because they have withdrawn their applications as conscientious objectors and have joined the armed forces, and this is exhibited as correctly functioning conscience. The young men, however, a much larger number, who have signed on the Military Register through error or inadvertence, or perhaps with full knowledge, and who, after examination of their position have made applications to Tribunals as conscientious objectors, have in most cases been treated as insincere and not genuine.

This insistence on re-examination is a two-edged rule. All of us, pacifist and soldier and tribunal member, ought to keep our consciences "tender" as Quakers say; constantly, that is, under examination in the light of new circumstance, and in the light of reason and judgment and humane considerations, and if we are religious men, in the light of prayer.

Where we, perhaps, go further than Judge Burgis is that we claim the right of freedom to examine and act upon conscience, for all men, not only for those who may now have an objection to this or to every war. All men ought to examine their conscience from time to time in what they are doing, not excepting those men who quite conscientiously, as every pacifist will admit, think it their duty to act in the forces. But what freedom is there to act upon conscience under a compulsory military service law, or, indeed, under any conditions of military discipline? A man's conscience might be functioning correctly if he decided he must withdraw from war service in which he is already engaged, just as it has apparently led some conscientious objectors to withdraw their applications.

It is the condemnation of all military systems that conscience is made to abrogate its function in favour of the drill-sergeant. Pacifists oppose conscription just because it prevents that frequent, timely examination of conscience under changing circumstances which is the essential condition for finding the right way of defending freedom and peace and righteousness in the world.

There must be freedom if we are to ensure the proper operation of conscience, and political objectors to war are entitled to this freedom equally with religious and moral objectors.

The refusal to allow the rights of conscience to absolutists and to political objectors appears to arise from the fear of making it too easy to obtain exemption from war service. The fear has indeed been expressed that the name of conscience may be used as a cloak by the cowardly and disloyal. If there are any considerable number of such young men whose fear leads them to pretend to principles they do not possess, it hardly seems worth while setting up the machinery of the Tribunal system to force that kind of man into the Army.

It is a sound and essential principle of justice that it is better to let the guilty go free than that the innocent should be unjustly punished. It is certainly better that ten weak, faulty and unsupported claims for exemption should be granted than that one genuine objector should be denied the justice provided under the Act. These sentiments often find expression in criminal proceedings. There should not be less justice in a Tribunal for conscientious objectors than there is in a criminal court. Such principles concern not only a few young pacifists but all citizens, for who is there who may not one day be in a similar position. It is fundamental to the liberties of all that the examination of objectors to war service should be conducted on principles of justice.

Perhaps the worst example of the wrong method of examination is that class of case where young applicants have been led to state that they would leave their father, or mother, or brother to bleed to death, rather than join an ambulance corps in the Army. Newspapers have seized on such statements and heavy headlines have declared: "Conchie would let his mother bleed to death."

This hypothetical question has quite overshadowed the real and important point which the Tribunal had to determine; that is the applicant's objection to having any part whatever in wholesale killing. A contingency arising where a man would have to choose between leaving a relative to perish or joining a military unit is so extremely remote as to have no bearing on his present refusal to become a soldier.

Let us try another hypothetical case: Suppose a soldier in a non-combatant unit, a despatch rider ordered to carry a vital message on his motor-cycle from one general to another 15 miles along the extended battle front. He is told that the fate of the campaign depends on its immediate delivery; on his speed depends victory, and on victory the fate of civilisation and Christianity.

But supposing, for we must face these extreme possibilities, on his way he sees his own home wrecked by a shell. He is near enough to see his mother wounded; he realises he is the only one able to save her. His choice is between his military duty and his filial duty. He knows that if he delays 10 minutes his message will be too late, possibly not get there at all. Should this soldier leave his mother to bleed to death?

If a member of a Tribunal says this is absurd, that such contingencies never arise in real life, that there must be some other way out of the contradiction, the reply is that the same may be said regarding the situations which war objectors are often trapped into. They have been bullied into giving a Yes or a No. Let any Tribunal member face the above question regarding the soldier and see if he can give an unevasive Yes or No.

The refusal to allow the rights of conscience to absolutists and to political objectors appears to arise from the fear of making it too easy to obtain exemption from war service. The fear has indeed been expressed that the name of conscience may be used as a cloak by the cowardly and disloyal. If there are any considerable number of such young men whose fear leads them to pretend to principles they do not possess, it hardly seems worth while setting up the machinery of the Tribunal system to force that kind of man into the Army.

It is a sound and essential principle of justice that it is better to let the guilty go free than that the innocent should be unjustly punished. It is certainly better that ten weak, faulty and unsupported claims for exemption should be granted than that one genuine objector should be denied the justice provided under the Act. These sentiments often find expression in criminal proceedings. There should not be less justice in a Tribunal for conscientious objectors than there is in a criminal court. Such principles concern not only a few young pacifists but all citizens, for who is there who may not one day be in a similar position. It is fundamental to the liberties of all that the examination of objectors to war service should be conducted on principles of justice.

Perhaps the worst example of the wrong method of examination is that class of case where young applicants have been led to state that they would leave their father, or mother, or brother to bleed to death, rather than join an ambulance corps in the Army. Newspapers have seized on such statements and heavy headlines have declared: "Conchie would let his mother bleed to death."

This hypothetical question has quite overshadowed the real and important point which the Tribunal had to determine; that is the applicant's objection to having any part whatever in wholesale killing. A contingency arising where a man would have to choose between leaving a relative to perish or joining a military unit is so extremely remote as to have no bearing on his present refusal to become a soldier.

Let us try another hypothetical case: Suppose a soldier in a non-combatant unit, a despatch rider ordered to carry a vital message on his motor-cycle from one general to another 15 miles along the extended battle front. He is told that the fate of the campaign depends on its immediate delivery; on his speed depends victory, and on victory the fate of civilisation and Christianity.

But supposing, for we must face these extreme possibilities, on his way he sees his own home wrecked by a shell. He is near enough to see his mother wounded; he realises he is the only one able to save her. His choice is between his military duty and his filial duty. He knows that if he delays 10 minutes his message will be too late, possibly not get there at all. Should this soldier leave his mother to bleed to death?

If a member of a Tribunal says this is absurd, that such contingencies never arise in real life, that there must be some other way out of the contradiction, the reply is that the same may be said regarding the situations which war objectors are often trapped into. They have been bullied into giving a Yes or a No. Let any Tribunal member face the above question regarding the soldier and see if he can give an unevasive Yes or No.

Whilst no official ruling from the central authorities has so far been forthcoming, as to the admissibility of a purely political claim for exemption, it is welcome news that at least one Local Tribunal has made its own ruling to govern political cases coming before them.

"Peace News" (1/3/1940) reports that Judge Wethered, of the South Western (Bristol) Tribunal has given the decision of the Tribunal in these terms: "We have ruled that a political objection if on one or more of the grounds mentioned in section 5 (I) of the Act may be a conscientious objection within the meaning of the National Service (Armed Forces) Act, 1939, if it is held with such intensity of conviction that it can properly be regarded as an objection based on moral conviction honestly held."

The spirit of this ruling carried out in practice by all Local and Appellate Tribunals would secure to the political objector the same rights as are granted to other objectors under the Act.

Our hope is that public opinion may be so informed on this issue as to insist on this precedent being followed in all parts of the country. Only then will there be full justification for the remark of Judge Wethered quoted by "Peace News" in the same report:—

"When people say that we have not made progress in democracy, I ask them to consider objection A." (A . . . to being registered in the Military Register.) He went on to point out that under this rule a man might be registered as an objector even though he had no objection to combatant service, but objected merely to conscription.

We believe the Judge's interpretation is right and we consider he has rendered a service to democracy in making this important point so clear. But before we can admit his proud boast that the wording of the Act is evidence of our progress in democracy we must be assured that it was the intention of the Government and Parliament that the Act should embody the principle involved in the way it has done. That intention can only be made manifest if the Bristol interpretation is officially accepted and put into practice.

The point, finally, is more than a legal or technical one. What is at issue is what the Judge indicates, the right of a man to object conscientiously to conscription. Now the conscription in question is not just any form of compulsion by the State, but that particular form of compulsion into military service for purposes of war. Conscription is a by-product, essential under modern conditions, of war. This explains the persistence of the absolutist in his refusal to accept any alternative form of service which would involve his assent to the principle of conscription. It is possible for a political objector to reject conscription with such intensity of conviction as to justify his unconditional exemption equally with the religious absolutist.

And when we consider what conscription for military purposes is, and its effect upon the moral and spiritual development of the manhood of the country, in addition to the social and political deterioration of the national life, we shall not be surprised to find so many young men in each succeeding age group registering their determination to refuse all complicity with war, and the conscription of their fellows which war makes necessary.

DOUGLAS J. J. OWEN.

2nd March, 1940.

Frank Boor, 27, London Road, Hazel Grove, Stockport.